

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1632 of 1991

WITH

SPECIAL CIVIL APPLICATION No 2713 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

Sd/-

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

KARMCHARI NAGAR YOJNA CO-OP HOUSING SOCIETY LTD

Versus

MAHESHKUMAR JAYANTILAL

Appearance:

MR RD RAVAL for Petitioner

MR KIRAN YAJNIK for Respondent No. 1

NOTICE NOT RECD BACK for Respondent No. 2

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 10/10/2000

COMMON JUDGEMENT

#. The above stated petitions are filed by the petitioner association challenging the order passed by the Presiding Officer, Labour Court, Bhavnagar dated 11.01.1991 holding that an amount of Rs.16,700/- is due and recoverable by the present respondent from the petitioner and award passed in the proceedings of Reference (LCB) No. 357 of 1987 dated 11.01.1991 directing the present petitioner to reinstate the present respondent with 50% backwages.

#. Both the petitions are admitted and notified for final hearing.

#. It may be noted that pursuant to earlier order in Special Civil Application No. 1632 of 1991 the petitioner has paid ad-hoc amount of Rs.5,000/- to the respondent towards the outstanding dues as adjudged in the impugned recovery proceedings and after filing of Special Civil Application No.2713 of 1991, the respondent has been paid last drawn salary as provided under section 17B of the I.D.Act,1947 till this date.

#. The learned Advocate for the petitioner has placed on record a letter dated 10.10.2000 addressed by Administrator of the petitioner who is also present in the Court. It is stated in the said letter that the petitioner is ready and willing to pay retrenchment compensation payable to the respondent and full amount of gratuity as payable under the law provided the respondent forgo rest of his claim as made and awarded by the impugned order and award.

#. The respondent along with his learned Advocate Mr.Yaghnik is present in the Court and has agreed that if the amount of retrenchment compensation payable under the law with effect from today and the amount of gratuity payable to him under the law, with effect from today are paid within a period of two weeks from the date of this order, the respondent would not press the claim made and awarded in the impugned proceedings.

#. The petitioner society having gone into liquidation it would be just and in the interest of the respondent as a workman to avail the opportunity of the payment of the amount offered by the petitioner by way of the present settlement as the protracted litigation might not be in the interest of respondent either for the purpose of recovery as adjudged amount or for the claim of reinstatement with backwages.

#. As the respondent personally has admitted the proposal given by the Administrator of the petitioner society who is also personally present in the Court and has admitted the proposal stated in the letter dated 10.10.2000, the settlement arrived between the parties is recorded and in view of the same the impugned order dated 11.1.1991 passed by the Presiding Officer, Labour Court, Bhavnagar in the proceedings of Recovery Application No. 196 of 1987 which is challenged in Special Civil Application No. 1632 of 1991 is hereby set aside and quashed. Similarly, the award dated 11.01.1991 passed by the said Court in the proceedings of Reference (LCB) No.357 of 1987 is also hereby set aside and quashed and as agreed by the parties, the petitioner is directed to make payment of retrenchment compensation to the respondent as payable under the law as effective from today as well as respondent with effect from today respectively. That the payment of above stated both the amount shall be made within a period of two weeks from the date of this order. Rule is accordingly made absolute with no order as to costs.

Sd/-

(A.K.Trivedi, J)

m.m.bhatt